

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

ADEN SERVICE CORPORATION

PLAINTIFF

V.

NO. 4:17-CV-4016

DOMETIC CORPORATION

DEFENDANT

FINAL SCHEDULING ORDER

This case is set for jury trial in Texarkana, Arkansas, at the call of the Court during the week of **March 18, 2019, beginning at 9:00 a.m.** Counsel and unrepresented parties are directed to report to the Judge's chambers at **8:00 a.m.** on the date of trial unless otherwise notified.

The following schedule will govern this case, and the parties may not amend or deviate from it without leave of Court:

1. Discovery:

- (a) Discovery must be completed no later than **November 20, 2018**. Depositions, including depositions for use as evidence, must be completed prior to the discovery cutoff date.
- (b) Except in extraordinary circumstances, problems with discovery, which are not brought to the Court's attention in time for the opponent to make a proper response and for the Court to make an informed ruling before the close of discovery, will be deemed waived.

2. Motions:

- (a) Motions for Class Certification must be filed no later than **90 days** after the Fed. R. Civ. P. 26(f) Conference.
- (b) Motions to amend pleadings or to join other parties must be filed no later than **60 days** before the close of discovery, unless good cause is shown for delay.
- (c) All dispositive motions must be filed no later than **30 days** after the close of discovery. Responses must be filed no later than **14 days** from the file date of the motion, and replies, if any, no later than **seven (7) days** from the file date of the response.

(d) Motions in Limine must be filed no later than **14 days** prior to trial. Responses to these motions must be filed no later than **seven (7) days** from the file date of the motion.

(e) All other motions, including Daubert motions, must be filed no later than **28 days** prior to trial. Responses must be filed no later than **14 days** from the file date of the motion. The Court will consider a reply only if filed before issuance of a decision on the pending motion.

3. Expert Disclosure:

(a) All parties must make initial expert witness disclosures no later than **90 days** before the close of discovery.

(b) Rebuttal expert witness disclosures must be made no later than **45 days** before the close of discovery.

(c) Depositions of expert witnesses must be completed within the time allowed for discovery.

4. Jury Trials:

(a) Pretrial disclosures must be filed no later than **45 days** before trial, and should follow the outline contained in Local Rule 26.2, which may be found on the Court's website at www.arwd.uscourts.gov. Objections must be filed within **14 days** of the file date of the pretrial disclosures. Consult Fed.R.Civ.P. 26(a)(3) for the type of objections which may be made and the type of objections which will be deemed waived if not raised.

In their pretrial disclosures, the parties must designate witnesses whose testimony is expected to be presented via deposition. The parties must include a transcript of the pertinent portions of the deposition, and the specific line designations must be highlighted. Counter-designations and objections to the initial designations are due within **14 days** of the file date of the initial designations.

(b) Proposed jury instructions must be exchanged by the parties and submitted to the Court at sohinfo@arwd.uscourts.gov no later than **14 days** prior to trial. Each instruction should be accompanied by a citation to supporting authority.

(c) Objections to jury instructions must be exchanged by the parties and submitted to the Court no later than **seven (7) days** prior to trial.

(d) Parties are directed to mark and exchange exhibits prior to trial and ensure that all other parties have copies of those exhibits.

(e) Parties are directed to come to trial with all exhibits properly marked, identified and with both witnesses and exhibits listed on form **AO187 - Exhibit and Witness List**, which may be found on the Court's website at www.arwd.uscourts.gov under the category "Online Forms". Exhibits are to be listed in numerical sequence with notations as to which exhibits, if any, will be admitted by stipulation of the parties. The Exhibit and Witness List must be delivered to the courtroom deputy and the court reporter **24 hours** prior to trial.

(f) Witnesses and exhibits not timely disclosed may not be used at trial except in extraordinary circumstances.

(g) All civil jury trials shall be to an **eight (8)** person jury unless otherwise ordered by the Court upon written request made by a party pursuant to Federal Rule of Civil Procedure 38.

5. Bench Trials:

(a) Pretrial disclosures must be filed no later than **45 days** before trial, and should follow the outline contained in Local Rule 26.2, which may be found on the Court's website at www.arwd.uscourts.gov. Objections must be filed within **14 days** of the file date of the pretrial disclosures. Consult Fed.R.Civ.P. 26(a)(3) for the type of objections which may be made and the type of objections which will be deemed waived if not raised.

In their pretrial disclosures, the parties must designate witnesses whose testimony is expected to be presented via deposition. The parties must include a transcript of the pertinent portions of the deposition, and the specific line designations must be highlighted. Counter-designations and objections to the initial designations are due within **14 days** of the file date of the initial designations.

(b) Proposed findings of fact and conclusions of law must be exchanged by the parties and submitted to the Court at sohinfo@arwd.uscourts.gov no later than **14 days** prior to trial.

(c) Parties are directed to mark and exchange exhibits prior to trial, and ensure that all other parties have copies of those exhibits.

(d) Parties are directed to come to trial with all exhibits properly marked, identified, and with both witnesses and exhibits listed on form **AO187 - Exhibit and Witness List**, which may be found on the Court's website at www.arwd.uscourts.gov under the category "Online Forms". Exhibits

are to be listed in numerical sequence with notations as to which exhibits, if any, will be admitted by stipulation of the parties. The Exhibit and Witness List must be delivered to the courtroom deputy and the court reporter **24 hours** prior to trial.

(e) Witnesses and exhibits not timely disclosed may not be used at trial except in extraordinary circumstances.

6. Continuances:

No continuances will be granted except for good cause shown. That a party does not have time to depose a witness, to complete discovery, or otherwise prepare for trial will not normally be considered good cause.

7. Trial Length:

If any party anticipates the trial will take more than **three (3) days**, the Court should be immediately notified by sending an e-mail to sohinfo@arwd.uscourts.gov.

8. Settlement:

(a) In the event of settlement, the Court should be advised immediately by notifying courtroom deputy Robin Gray or law clerks, Leslie Ligon, Jason Bailey, Ross Simpson and James Depper at (870) 862-1303.

(b) A case will not be removed from the trial docket until an order of disposition is entered by the Court, and if no such order is entered by the time the matter is reached for trial, it will be called for trial and tried or otherwise disposed.

9. Alternative Dispute Resolution:

United States Magistrate Judges for the Western District of Arkansas are available to conduct settlement conferences at the request of the litigants. These proceedings have proven to be beneficial to the parties even if settlement is not achieved. The request should be made to the Court no later than **30 days** prior to the trial date. **The parties are strongly encouraged to participate in a settlement conference prior to the trial date.**

IT IS SO ORDERED this 12th day of April 2018.

/s/ Susan O. Hickey
SUSAN O. HICKEY
U.S. DISTRICT JUDGE